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June 17, 2016

VIA E-MAIL (HCHAITMAN@CHAITMANLLP.COM)

Re: Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, 08-01789 (SMB)

Dear Ms. Chaitman:

I write to demand the preservation of certain information in connection with the November 17, 2015 declaration of Bernard L. Madoff (the “Madoff Declaration”).

On December 28, 2015, you attached the Madoff Declaration to a Motion to Compel the Trustee to Allow Aaron Blecker’s SIPC Claim, ECF No. 12319. The Madoff Declaration contained the following paragraphs:

3. Moreover, there were no recorded phone lines in the 1990’s. Hence, we did not accept verbal instructions from customers. If they wanted withdrawals, they had to specifically request them in writing and we retained copies of all such requests in our customer files. If there are no such requests in our files, that indicates that the customer did not request any withdrawals and would not have received any checks.

4. Post 1990, I was put under enormous financial pressure by Jeffry Picower, who created the fraud I perpetrated and who was, by far, the primary beneficiary of the fraud. In order to raise money, I began to defraud my customers but I never sent checks to customers who did not request withdrawals in writing.

The Madoff Declaration was signed on November 17, 2015 by Mr. Madoff.

On June 15, 2016, Mr. Madoff was deposed in connection with the profit withdrawal litigation. You marked as Exhibit 2 a version of the Madoff Declaration that appeared similar in substance to the docketed version and had the same signature page, but otherwise contained a

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number of formatting differences (e.g., the captions and titles were different). I marked as Exhibit 12 the version as docketed at ECF No. 12319. I showed Mr. Madoff the Madoff Declaration and he testified that he had never seen paragraphs 3 or 4, recited above, prior to signing the Madoff Declaration.

The Trustee is considering what steps, if any, are necessary in response to this information. Accordingly, we demand that you:

- Preserve all communications, in whatever form, that you or your firms have had with Mr. Madoff since December 2008. This includes handwritten or typed letters and emails. It includes communications from you or your staff to Mr. Madoff conveyed through others, including his attorney(s) and spouse, or through other BLMIS customers, including but not limited to Robert Roman. It includes the attachments to these communications, including the Madoff Declaration in all of its forms as sent to and received from Mr. Madoff.
- Preserve all communications you and your staff exchanged internally about the Madoff Declaration.
- Preserve the originals of all signed versions of the Madoff Declaration, including, but not limited to, Exhibits 2 and 12 from Mr. Madoff's deposition.
- Preserve all versions and drafts of the Madoff Declaration, wherever they might exist, including as attachments to emails, stand-alone documents on a computer, and printed copies. For electronic copies of the Madoff Declaration, this preservation demand includes all associated metadata.
- Do not open, print, or move any electronic versions of the Madoff Declaration, as doing so will alter the metadata, including, but not limited to, the Last Modified Date, which is material information to this preservation demand.
- Should any of the communications and documents subject to this preservation demand be in the hands of third parties, please advise me in writing by 5 p.m. on June 20, 2016, so that the Trustee may take any necessary steps to ensure the preservation of the information by third parties.

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If you will not comply with this preservation demand, please notify me in writing by 5 p.m. on June 20, 2016.

Sincerely,

/s/ Seanna R. Brown

Seanna R. Brown

Partner

cc: David Sheehan
Karin S. Jenson
Edward Jacobs
Amy Vanderwal